

R E M A R K S

The Examiner has rejected claims 1, 5, 10, 14, and 19-21 under 35 U.S.C. §103 as obvious in view of Balko et al. (US 6,363,716) in combination with Hoard et al. (US 6,363,714).

The Examiner has alleged that Balko's plasma device is in the exhaust gas system of an internal combustion engine. Applicants reject Examiner's reasoning because Balko et al. call the line in which the plasma device is disposed a carrier gas on EGR line (column 10, line 14) and alternatively, a slip stream of the exhaust gas in the EGR loop. Neither description is the exhaust gas duct. Nevertheless, in the interest of advancing prosecution, Applicants have amended independent claims 1, 10, and 19 to distinguish Applicants' invention even further from what is shown in Balko et al.

Applicants have amended claim 1, including a limitation stating that "substantially all gases passing through said lean NOx trap have previously passed through said nonthermal plasma discharge device." Independent claim 19 contains similar limitations. Independent claim 10 now contains a limitation stating, "wherein substantially all exhaust gases exiting said internal combustion engine tailpipe pass through said nonthermal plasma discharge device." These amendments clearly distinguish over Balko in which only a small portion of the exhaust gases pass through the plasma device and in which most of the gases passing through the lean NOx trap have not passed through the plasma device. Applicants submit that the claim amendments add no new matter because they correspond to what is shown in Figure 2.

No other art is cited in the Office Action. Based on the foregoing comments, the above-identified application is believed to be in condition for allowance, and such allowance is courteously solicited. If any further amendment is necessary to advance prosecution and place this case in allowable condition, the Examiner is courteously requested to contact the undersigned by fax or telephone at the number listed below.

Please charge any cost incurred in the filing of this Amendment, along with any other costs, to Deposit Account 06-1510. If there are insufficient funds in this account, please charge the fees to Deposit Account No.06-1505.

Respectfully submitted,

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